

REMARKS

Favorable consideration and allowance of the present application is respectfully requested.

Currently, claims 1-8 and 10-26, including independent claims 1, 13, and 20, are pending in the present application. Independent claim 1, for instance, is directed to a gastrostomy feeding device comprising an elongated feeding tube and an anchoring means mounted on the feeding tube to retain the feeding tube within the stomach. The anchoring means has at least one internal retaining member comprised of a modified silicone elastomer. It has been discovered that such a modified silicone elastomer can provide improved resistance to acidic and enzymatic degradation properties to the feeding device.

In the Office Action, independent claim 1 was rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,834,721 to Onohara, et al. Onohara, et al. is directed to a composite-shaped article made from a thermoplastic resin and silicone rubber. (Col 3, ll. 6-16). Onohara, et al. indicates that addition polymerization-type silicone compositions can have a very high adhesion strength. (Col 6, ll. 43-51). However, Onohara, et al. fails to disclose an internal retaining member comprised of a modified silicone elastomer selected from the group consisting of phenyl-modified silicone and/or fluoro-modified silicone. At least for this reason, Applicants respectfully submit that independent claim 1 is not anticipated by Onohara, et al.

With respect to independent claims 13 and 20, Onohara, et al. was combined with Becker, et al. in an attempt to render obvious such claims under 35 U.S.C. §103.

Applicants submit that no motivation would have existed to combine the above-cited references in such a manner to achieve the limitations of independent claims 13 and 20.

For instance, independent claim 13 requires an internal retaining member comprised of a fluoro-modified silicone, while independent claim 20 requires an internal retaining member comprised of a phenyl-modified silicone. As noted above, Onohara, et al. fails to disclose an internal retaining member comprised of a fluoro-modified and/or a phenyl-modified silicone. However, in the Office Action, it was suggested that Becker, et al. teaches a catheter comprised of a fluoro-modified or phenyl-modified silicone, and one of ordinary skill in the art would have found it obvious to utilize such materials in Onohara, et al.

Becker, et al. describes a balloon-type catheter that includes a catheter shaft 10 and a balloon 22. Although Becker, et al. states that the shaft can be made from a thermoplastic material containing as one ingredient a cross-linked organic silicone elastomer (See e.g., Col 2, ll. 16-33), it nonetheless teaches that the balloon itself is made from a mixture of block polymers and mineral oil (Col 5, l. 58 to Col 6, l. 4). Thus, not only does Becker, et al. fail to disclose or suggest constructing an internal retaining member from a fluoro-modified and/or phenyl-modified silicone, but it in fact teaches away from such a construction. For at least this reason, Applicants respectfully submit that one of ordinary skill in the art would not have been motivated to combine Becker, et al. with Onohara, et al. in the manner suggested in the Office Action.

Applicants emphasize that the teachings of the references must be viewed in their entirety, i.e., as a whole, to sustain a *prima facie* case of obviousness under 35 U.S.C. §103(a). Further, the appropriate test under 35 U.S.C. §103(a) is not whether

the differences between the prior art and the claims are obvious, but instead whether the claimed invention as a whole would have been obvious. The differences between a particular claim and the cited references cannot be viewed in a vacuum. In this case, Applicants respectfully submit that, when properly viewed as a whole, there is simply no motivation to combine the references in the manner suggested in an attempt to render obvious the present claims. Thus, for at least the reasons set forth above, Applicants respectfully submits that independent claims 13 and 20 patentably define over the above-cited references, taken alone or in any proper combination.

The above-cited references were also cited to reject dependent claims 2-8, 10-12, 14-19, and 21-26. Applicants respectfully submit, however, that at least for the reasons indicated above, dependent claims 2-8, 10-12, 14-19, and 21-26 patentably define over the references cited. However, Applicants also note that the patentability of dependent claims 2-8, 10-12, 14-19, and 21-26 does not necessarily hinge on the patentability of independent claims 1, 13, and 20. In particular, it is believed that some or all of these claims may possess features that are independently patentable, regardless of the patentability of claims 1, 13, and 20.

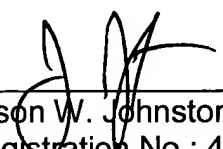
It is believed that the present application is in complete condition for allowance and favorable action, therefore, is respectfully requested. Examiner Lam is invited and encouraged to telephone the undersigned, however, should any issues remain after consideration of this Amendment.

Please charge any additional fees required by this Amendment to Deposit

Account No. 04-1403.

Respectfully submitted,

DORITY & MANNING, P.A.



Jason W. Johnston
Registration No.: 45,675

DORITY & MANNING, P.A.
P.O. Box 1449
Greenville, SC 29602-1449
Phone: (864) 271-1592
Facsimile: (864) 233-7342

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